

September 16, 2004
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-- REMARKS --

Claims 1-23 remain under consideration. No new matter has been added with the amendments to claims 1, 11 and 18.

The Examiner rejected claims 1-23 as anticipated under 35 U.S.C. §102(e) by Beelitz

The §102(e) rejection of claims 1-23 is traversed. In order to maintain this §102(e) rejection, each and every element of the claimed invention must be disclosed in as great detail by the reference. Because the reference does not disclose each and every element, this rejection must fall.

In an effort to expedite prosecution, Applicants have amended claims 1, 11 and claim 18 to more precisely claim the invention. Applicants have not amended the claims to avoid any reference – rather, the amendment is to more clearly point out the invention. In any event, Beelitz does not disclose that the target device [is] to be remotely booted by the server, as claimed in claims 1, 11 and 18, and therefore cannot anticipate the instant invention.

Beelitz is addressed to a problem facing computer manufacturers – how to install operating systems on computers that are being assembled. Beelitz discloses a method of installing operating systems for target computers that will be separated from the network, shipped to an end user, and then booted. *See, inter alia*, the Abstract of Beelitz, disclosing a “system for specifying, ordering, and building a build-to-order computer system.”

In contrast to the Beelitz disclosure, the instant case addresses problems faced by network administrators with target devices that are remotely booted on a network.

In an effort to expedite prosecution, Applicants have amended claims 1, 11 and 18 to more precisely claim the invention. Applicants have not amended the claims to avoid any reference – rather, the amendment is to more clearly point out the invention. In any event, Beelitz does not disclose that the target device [is] to be remotely booted by the server, and therefore cannot anticipate the instant invention.

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Withdrawal of the rejections to claims 1, 11 and 18 is requested. Claims 2-10, 12-17 and 19-23 depend directly or indirectly from claims 1, 11, and 18 respectively, incorporating the limitations of their respective independent claims, and therefore withdrawal of the rejections to these claims is also requested.

Furthermore, Beelitz does not disclose "relocating the network bootstrap program after the target operating system is selected" as claimed in claims 6, 14, and 21. The Examiner's citation to column 8, lines 40-45 is misplaced, as no such disclosure is made. Instead, Beelitz discloses creating a system descriptor file that includes the specific part number for the selected version and language of the selected operating system, including a prefix. This disclosure simply cannot anticipate relocating the network bootstrap program after the target operating system is selected. Withdrawal of the rejections to claims 6, 14, and 21 is requested for at least this additional reason.

In addition, Beelitz does not disclose that "the target operating system is selected by a user of the target device" as claimed in claims 8, 16 and 23. Instead, Beelitz discloses that the target operating system is determined by a "sniffing feature" to determine that the list of software programs is compatible with the hardware. Beelitz provides an example that the "software sniffer" determines that the target has a certain size RAM, and only presents operating systems that are compatible with the size of the RAM in the target. See, Beelitz, column 18 line 60 to column 19 line 3. Thus, Beelitz discloses that the target operating system is determined by a system configuration, while the instant application claims that the target operating system is selected by a user. Withdrawal of the rejections to claims 8, 16, and 23 is requested for at least this additional reason.

Additionally, Beelitz does not disclose "determining from a user profile, at least one - available operating system", as claimed in claim 9. Indeed, Beelitz does not disclose a user profile at all. The Examiner's reliance on column 7 lines 49-56 for such a disclosure is misplaced, as Beelitz merely discloses that a master database is consulted (see lines 36-41) at a server. No user profile is disclosed, and therefore withdrawal of the rejections to claim 9 is requested for at least this additional reason.

Withdrawal of the rejections to claims 1-23 is requested.

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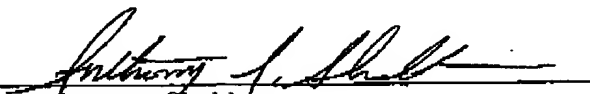
CONCLUSION

The Applicants respectfully submit that claims 1-23 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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Respectfully submitted,
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